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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATED PRESS, Plaintiff,	**ECF CASE**
- v.-	SUPPLEMENTAL DECLARATION OF DALE T. VITALE
UNITED STATES DEPARTMENT OF DEFENSE, Defendant.	05 Civ. 3941 (JSR)

DALE T. VITALE hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant Staff Judge Advocate with the United States Department of Defense ("DOD") currently assigned to the United States Southern Command with duty at Joint Task Force-Guantanamo, and stationed at the U.S. Naval Base, Guantanamo Bay, Cuba ("Guantanamo"). In that capacity, I am responsible for providing legal advice for the Joint Task Force-Guantanamo and United States Southern Command. I make this supplemental declaration in response to the Court's inquiry as to whether, in the period since submission of my prior declaration on October 28, 2005, any additional detainees have returned the "Notice to Detainees" (the "Notice") that the Court ordered DOD to distribute to the Guantanamo detainees at issue in the Associated Press's Freedom of Information Act suit against DOD. The statements in this declaration are based upon my personal knowledge and/or information obtained by me in

the course of my official duties.

2. As of December 14, 2005, seven additional detainees, beyond those referred to in my October 28, 2005 Declaration, returned the Notice. Their responses were as follows:

- 3 detainees indicated "Yes, I want the identifying information about myself released to the Associated Press;"
- 2 detainees indicated "No, I do not want the identifying information about myself released to the Associated Press;" and
- 2 detainees returned the Notice blank, without indicating either yes or no.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 19, 2005.

Dale T. Vitale

DALE T. VITALE